

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

THOMAS W. MCNAMARA,

Plaintiff,

VS.

GARY PATTEN, *et al.*,

Defendants.

Case No.: 2:17-cv-02968-GMN-NJK

## ORDER

Pending before the Court is the Motion to Dismiss Plaintiff Thomas McNamara’s (“Plaintiff”) Motion for Reconsideration, (ECF No. 47), in which he requests that the Court withdraw the Order, (ECF No. 45), issued by the Honorable James C. Mahan and the accompanying Judgment, (ECF No. 46), “reopen the case, and order the appropriate relief, whether that be the transfer or reassignment of this case to [Judge Navarro] . . . .” (Mot. Recons. 5:11–13, ECF No. 47). Subsequent to the filing of Plaintiff’s Motion, the case was transferred to the undersigned, pursuant to the Court’s Omnibus Transfer Order, (ECF No. 49). Defendant Gary Patten and Defendant Pano Advisors, Inc. (collectively, “Defendants”) then filed a Response, (ECF No. 52), indicating that they “do not oppose Plaintiff’s Reconsideration Motion.” (Resp. 4:14–15, ECF No. 52). Defendants further indicate that in the event Plaintiff’s Motion is denied, then alternatively, the Court should grant Defendant’s Cross Motion to Correct or Amend Judgment, (ECF No. 52).

Accordingly, because the Omnibus Transfer Order, (ECF No. 49), eliminates the need for Plaintiff's requested relief, **IT IS HEBEY ORDERED** that Plaintiff's Motion for Reconsideration, (ECF No. 47), is **DENIED as moot**.

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Moreover, because Defendants' Motion, (ECF No. 52), is phrased in the alternative, **IT IS FURTHER ORDERED** that Defendants' Cross Motion to Correct or Amend Judgment, (ECF No. 52), is **DENIED as moot**.

**IT IS FURTHER ORDERED** that the Judgment, (ECF No. 46), is **VACATED**, and that this matter shall be **REOPENED**.

**IT IS FURTHER ORDERED** that Defendants shall have until September 26, 2019, to refile their Motion to Dismiss, should they elect to do so.

**DATED** this 12 day of September, 2019.

Gloria M. Navarro, District Judge  
United States District Court